

**ENTERED**

February 15, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. 2:16-CR-1043
	§	
JOSE LUIS VARGAS-LAINEZ; aka JOSE	§	
LUIS VARGAS	§	

**OPINION AND ORDER GRANTING MOTION FOR CONTINUANCE**

On February 14, Defendant Vargas-Lainez moved for a thirty-day continuance of the final pretrial conference and jury selection and trial because the Defendant only recently retained counsel and counsel had not yet had adequate time to review the discovery and the Defendant had not had adequate time to consider whether he wished to have a trial or plead guilty (D.E. 10). The United States was unopposed to the motion.

Under the Speedy Trial Act, a district court may grant a continuance and exclude the resulting delay from the time in which a trial must commence if it makes on-the-record findings that the ends of justice served by granting the continuance outweigh the public's and defendant's interests in a speedy trial. 18 U.S.C. § 3161(h)(7).

Having considered the Defendant's motion, the Court finds that the failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The time shall be excluded from speedy trial computations.

Accordingly, the Court finds that the ends of justice are served by granting a continuance in this case and outweigh the best interests of the public and Defendant in a speedy trial.

The Court **GRANTS** the Defendant's motion and **CONTINUES** the final pretrial conference until March 20, 2017, at 9:00 a.m. before undersigned and schedules the jury selection and trial for March 27, 2017 at 9:30 a.m. before Hon. John D. Rainey.

ORDERED this 15th day of February, 2017.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE